

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:20-CV-441-M

NEW HORIZON GROUP HOME, LLC,)	
)	
Plaintiff,)	
)	
v.)	
)	DEFENDANT'S
NORTH CAROLINA DEPARTMENT)	MOTION TO DISMISS
OF HEALTH AND HUMAN)	
SERVICES, DIVISION OF HEALTH)	
SERVICE REGULATION,)	
)	
Defendant.)	
_____)	

Defendant the North Carolina Department of Health and Human Services, Division of Health Service Regulation, by and through its undersigned counsel, pursuant to Rules 12(b)(1), 12(b)(2), and 12(b)(6) of the Federal Rules of Civil Procedure, and based upon the doctrine of sovereign immunity, move to dismiss all claims of New Horizon Group Home, LLC, for lack of subject matter jurisdiction, lack of personal jurisdiction, and failure to state a claim upon which relief can be granted.

Pursuant to Local Rule 7.1(e), a Memorandum of Law in Support of the Motion to Dismiss is being filed contemporaneously herewith.

Respectfully submitted this the 1st day of October, 2020.

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Regulation*

CERTIFICATE OF SERVICE

It is hereby certified that the foregoing **DEFENDANT'S MOTION TO DISMISS** was electronically filed with the Court using the CM/ECF system and was thereby served upon all parties and counsel of record as follows:

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This the 1st day of October, 2020.

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